

Editor's note: Appealed -- aff'd, sub nom. Burglin v. Morton, Civ. No. F-15-73 (D. Alaska Aug. 5, 1974), aff'd, No. 74-2761 (9th Cir. Dec. 19, 1975), rehearing denied (Jan. 27, 1976), 527 F.2d 486, cert denied 425 US 973 (1976)

R. C. BAILEY
AND
C. BURGLIN

IBLA 73-223

Decided April 17, 1973

Appeal from a decision of the Alaska State Office, Bureau of Land Management rejecting appellants' oil and gas lease offers F-5411 through 5417 and F-5419 through 5421.

Dismissed.

Rules of Practice: Appeals: Statement of Reasons

A statement of reasons which does not point out the grounds upon which the decision appealed from is in error will be treated in the same manner as an appeal in which no statement of reasons is filed, and the appeal will be dismissed.

APPEARANCES: R. C. Bailey and C. Burglin, pro se.

OPINION BY MR. STUEBING

Our decision styled R. C. Bailey, 7 IBLA 266 (1972), affirmed the rejection of the above identified oil and gas lease offers. We held that the offers, although properly rejected, might be afforded priority from the time the defects in the original filings were cured, provided that all else was regular. The Alaska State Office gave effect to our decision. By its decision of November 17, 1972, the offers were again rejected because the defects were cured after the withdrawal of the lands had been effected by Public Land Order 4582 on January 17, 1969. This appeal results from that decision.

The so-called statement of reasons for this appeal does not point out wherein the decision appealed from is in error. Instead, it disputes our decision of September 19, 1972, supra. In effect, it is an argument for reconsideration of that decision, but appellants have merely reiterated the contentions advanced in their previous appeal.

Because appellants have not raised any issues of fact or law which were not considered by the Board prior to the rendition of our earlier decision, there is no basis for reconsideration of that decision. Moreover, since the appellants have failed to indicate wherein the decision of the Alaska State Office is in error, the appeal is subject to dismissal. A statement of reasons which does not point out the grounds upon which the decision appealed from is in error will be treated in the same manner as an appeal in which no statement of reasons is filed, and the appeal will be dismissed. United States v. Lewis Maus and Frank G. Morrison, 6 IBLA 164 (1972), and cases therein cited.

Accordingly, pursuant to the authority vested in the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Edward W. Stuebing, Member

We concur:

Douglas E. Henriques, Member

Martin Ritvo, Member.

